

REMARKS

Claims 1-15, 22 and 23 are pending for prosecution in the above-identified patent application. In the Office Action of March 17, 2003, the Examiner rejected claims 1-5, 11-12, 15, and 22-23. In addition, the Examiner objected to claims 6-10 and 13-14.

With respect to paragraph 3 of the Office Action, the Examiner rejected claims 22 and 23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,121,615 to Bergeron (hereinafter "the Bergeron patent"). Specifically, the Examiner noted "the pressure responsive valve actuator including an indicator member."

Applicant submits that the present rejection is improper because the cited prior art does not disclose each and every element of independent claims 22 and 23. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). Accordingly, Applicant disagrees with the Examiner and traverses the rejection below.

With regard to claims 22 and 23, both claims require that the indicator projects from, and retreats into the housing. Specifically, claims 22 and 23 recite (emphasis added), respectively:

22. A stop valve comprising:
a working rod for operating a valve element which is moved to close and open a conduit;
a biasing member which biases said working rod in a first direction to make said valve element close said conduit;
a pressure chamber formed within a housing of said stop valve;
a pressure supplying device which supplies a working fluid to said pressure chamber to move said working rod in a second direction against a biasing force of said biasing member; and
a moving member which moves together with said working rod to project out of and retreat into said housing in accordance with movement of said working rod.

23. A stop valve comprising:

a working rod for operating a valve element which is moved to close and open a conduit;

a moving member which moves together with said working rod so that said moving member retracts into a housing of said stop valve when said valve element is moved to close said conduit and so that at least part of said moving member projects out of said housing when said valve element is moved to open said conduit.

Conversely, the indicator of the Bergeron patent is not one that projects and retreats from the housing. Rather, the Bergeron patent discloses an indicator that remains stationary outside the housing. Specifically, the Bergeron patent describes, in col. 2, lines 40-43, the indicator utilized (emphasis added):

... Internally, a mechanism is provided whereby on sufficient upwardly pressure being exerted against diaphragm 97, cap 99 will be caused to change color, as by rotating the cap or a colored screen element.

Therefore, it is clear that the Bergeron patent does not have an indicator that either "projects out of and retreats into said housing in accordance with movement of said working rod" (claim 22) and/or "moves together with said working rod so that said moving member retracts into a housing..." (claim 23). Rather, the indicator is rotated to display a different color once sufficient pressure is exerted on the diaphragm.

The visual checking member of the present application provides a distinct advantage over the prior art. For example, one visually checking the status of the valve can intuitively ascertain the operational status of the valve (*i.e.*, whether the valve is open or closed, and to what degree) because the visual checking member is integral to and, therefore, moves in a proportional relation to the working rod.

Therefore, the Bergeron patent does not disclose the visual checking member of claims 22 and 23 that provide at least the aforementioned advantages. Accordingly, applicant respectfully requests favorable reconsideration with respect to claims 22 and 23.

With respect to paragraphs 6 and 7 of the Office Action, the Examiner rejected claims 1-5, 11-12, and 22-23 under 35 U.S.C. §103(a) as being unpatentable over Japanese Document 11-82804 (hereinafter "the Japanese document") in view of the Bergeron patent. Specifically, the Examiner noted in the rejection that:

[the Japanese document] discloses the claimed invention except for the recitation of a "visual checking member" integral with said "working rod" as taught by Bergeron. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Japanese Document to include a "visual checking member", as taught by Bergeron...

With regard to independent claims 1, 22 and 23, the prior art does not teach, or suggest, all of the claim limitations. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP 2143.03 (*citing In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974)). Accordingly, the applicant disagrees with the Examiner and traverses the rejection below.

As mentioned above, claims 22 and 23 recite stop valves having an indicator that projects from and retreats into the housing. Likewise, claim 1 of the present patent application recites (emphasis added):

1. A stop valve comprising:
 - a working rod for operating a valve element which is moved to close and open a main conduit;
 - a biasing member which biases said working rod in a direction to make said valve element one of close and open said main conduit;
 - a piston body which is coupled to said working rod and slidably fitted in a housing of said stop valve;
 - a pressure chamber formed within said housing be said piston body;
 - a pressure supplying device which supplies a working fluid to said pressure chamber to move said working rod in a direction against a biasing force of said biasing member; and
 - a visual checking member which is integral with said working rod to project from said housing in accordance with movement of said working rod, wherein an amount of projection of said visual checking member varies in accordance with an axial position of said working rod.

Therefore, claims 1, 22 and 23, each disclose a movable member (claims 22 and 23), or a visual checking member (claim 1) that is integral with the working rod and projects (by various degrees) from the housing depending on the axial position of the working rod.

As mentioned above, the indicator of the Bergeron patent is not one that projects and retreats from the housing. Notably, the Bergeron patent uses a commercially available visual checking device sold under the mark "WINKIE LIGHT". (See the Bergeron patent, col. 2, lines 35-37). The WINKIE LIGHT is an indicator that remains stationary outside the housing and rotates to, for example, display a different color once sufficient pressure is exerted on the diaphragm. (See the Bergeron patent, col. 2, lines 37-43). A valve combining the teachings of the Bergeron patent and the Japanese document would result in a valve having a WINKIE LIGHT-type indicator, which translates pressure against the diaphragm into rotational movement of a colored screen, placed thereon. Neither prior art reference teaches, or suggests supplying a valve with a visual checking member that is integral with the working rod and projects from the housing.

As also mentioned above, the visual checking member of the present application provides a distinct advantage over the prior art. For example, one visually checking the status of the valve can intuitively ascertain the operational status of the valve (i.e., whether the valve is open or closed, and to what degree) because the visual checking member is integral and, therefore, moves in a proportional relation to the working rod.

Therefore, the combination of the cited prior art references does not teach the visual checking member of claims 1, 22 and 23 having the aforementioned advantages. Claims 2-5, 11-12 and 15 are all dependent, directly or indirectly, on claim 1. Therefore, applicant submits that these claims are allowable in the same way as claim 1, as well as by virtue of the additional limitations clearly set forth

therein. Accordingly, favorable reconsideration with respect to claims 1-5, 11-12, 15 and 22-23 is respectfully requested.

With regard to paragraph 9, applicant gratefully appreciates the Examiner noting that claims 6-10, 13 and 14 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, claims 6-10, 13 and 14 are all dependent, directly or indirectly, on claim 1. Therefore, in light of the arguments with regard to the patentability of claim 1 proffered above, the applicant submits that these claims are patentably distinct from the cited prior art in the same way as claim 1, as well as by virtue of the additional limitations clearly set forth therein. Accordingly, applicant submits that these claims are allowable in their present form, and respectfully requests favorable reconsideration.

Applicant believes that no fees are due with the present Response; however, please charge any deficiencies that may exist to Deposit Account No. 13-0235. Applicant respectfully requests that the Examiner contact the Applicant's representative at the phone number listed below should the Examiner have any questions regarding the present Response.

Respectfully submitted,

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